



U.S. Department of Justice

Immigration and Naturalization Service

DH

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



FEB 28 2001

File: WAC 99 240 51325 Office: California Service Center

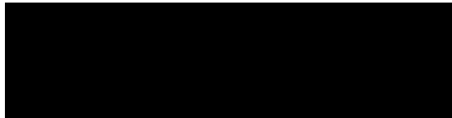
Date:

IN RE: Petitioner:  
Beneficiary:



Petition: Petition for Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(H)(ii)(b)

IN BEHALF OF PETITIONER:



Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

*Robert P. Weimann*

Robert P. Weimann, Acting Director  
Administrative Appeals Office

Identification data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The petitioner is a bakery. It seeks classification of the beneficiary as a baker for a period of one year. The director determined that a temporary need for the beneficiary's services had not been established.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

On the Notice of Appeal to the Administrative Appeals Unit (Form I-290B), counsel states that the position requested is for a temporary worker as the petitioner is or was pregnant. A letter from the petitioner's physician explaining her medical condition has been submitted. Counsel also indicated that she needs 30 days to submit a separate brief or evidence to the Administrative Appeals Unit. Careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.